



## Land Development News

County of San Diego  
Department of Public Works  
March 2012

### *Nick Ortiz, Project Manager, DPW Transportation Planning* **Transportation Impact Fee (TIF) Update**

The August 2011 adoption of the County's General Plan initiated the next phase in the County TIF Update. Land Development staff and our consultants have been working for several months on the TIF Update whose primary purpose is to make the program consistent with the adopted General Plan. Staff is preparing program options for the Board of Supervisor's consideration. This item is planned to go to the Board on either May 9 or June 20, 2012.

Land Development staff has begun a second round of public outreach with a series of External Stakeholder meetings. At the External Stakeholder meetings, DPW staff and project consultants will be discussing various TIF program options that will be presented to the Board for their consideration and to obtain public input. A staff preferred/proposed program will not be presented to the Board. The purpose of the Board hearing will be for staff to present program options and receive direction from the Board. The Board will not be requested to approve a proposed TIF program and revised Ordinance at the initial Board hearing in May or June. Staff will receive direction from the Board that will enable us to proceed with the preparation of the revised Ordinance and supporting documentation for consideration at a subsequent hearing.

The Draft 2012 TIF Update technical documents, background information, a description of the program options, draft fee rate information and TIF Improvement Facilities information are now available on the County's TIF web page for review and can be found at the link below. We will update this site periodically ahead of the Board hearing, so we encourage you to check back occasionally for any new information.

<http://www.sdcounty.ca.gov/dpw/land/tif.html>

### *Derek Gade, DPW PDCI Program Manager* **County's Pavement Cut Policy**

In an effort to protect the investments made through road improvements and the desire to want to get the full service life of a roadway, the County had implemented a "Pavement Cut Policy" in June, 2000. This policy impacts all parties including the County that have plans to implement improvements where within the last three years a "pavement treatment" has been made to a County maintained or a Permanent Road Division (PRD) / Customer Service Area (CSA) road. A "pavement treatment" could be asphalt concrete treatments, chip seals, or slurry seals.

If you have an urgent need to perform repair work on a road under this requirement, you would need to submit a right of way encroachment permit and through a signed letter of appeal request an exception from the Director of Public Works to this policy. If approved, you would be required to replace the full width of the affected roadway using the same treatment method to ensure a full and consistent surfacing is replaced.



## Land Development News

March 2012

For more information on this policy, please see <http://www.sdcountry.ca.gov/dpw/roads/mainroad.html>. For more information on which roads are considered to be covered under this policy, please visit the Department of Land Use's Permit Counter or contact the DPW Roads at (858) 874-4040.

If you have questions on this issue, please contact a Private Development Construction Inspection representative at (858) 694-3165 or via email at [grading@sdcounty.ca.gov](mailto:grading@sdcounty.ca.gov).

### *Cid Tesoro, DPW Watershed Protection Program Manager* **Geomorphic Assessments**

The purpose of the Hydromodification Management Plan (HMP) is to provide guidelines for managing the geomorphically significant flows that, if not controlled, would cause increased erosion in receiving water channels. Among the most important factors that determine a channel's susceptibility to erosion are bed material, armoring potential, and grade. To understand the impacts of these factors requires a geomorphic assessment which is a component of the flow control performance criteria detailed in the County's HMP. The HMP identifies upper and lower flow thresholds that are most likely to cause erosion or sediment transport in susceptible channels.

These flow thresholds can be controlled by ensuring that post-project flow rates and durations do not exceed pre-project levels. The upper flow threshold is defined as the 10-year runoff event ( $Q_{10}$ ). The lower flow threshold is defined as a percentage of the 2-year runoff event ( $Q_2$ ). The lower flow threshold can be one of three potential percentages based on channel susceptibility:  $0.1Q_2$  (high susceptibility to erosion),  $0.3Q_2$  (medium susceptibility to erosion), or  $0.5Q_2$  (low susceptibility to erosion). The default value that all projects should use is  $0.1Q_2$  unless a geomorphic assessment is submitted justifying a threshold other than the default of  $0.1Q_2$ .

If a project applicant chooses to conduct a geomorphic assessment, field investigations must be conducted pursuant to the channel screening tools. The project applicant would also use the critical shear stress calculations to assist in determination of the predicted lower flow threshold. These calculations work in conjunction to determine the lower flow threshold for a given site. The screening tool is located in Appendix B of the County's [HMP](#) and the critical shear stress calculation has been integrated into the [BMP Sizing Calculator's](#) Point of Compliance (POC) tab.

A geomorphic assessment must be approved by the County prior to submitting the project's HMP Study (Attachment H of the Major Stormwater Management Plan (SMWP)). Please notify your County project manager prior to conducting a geomorphic assessment.

If you have any questions about this information, please contact Cid Tesoro at (858) 694-3672, or email at [Cid.Tesoro@sdcounty.ca.gov](mailto:Cid.Tesoro@sdcounty.ca.gov).

### *Terry Connors, DPW County Surveyor* **Construing the descriptive part of a conveyance - Civil Code Section 2077**

Many land surveyors or civil engineers, authorized to practice land surveying, may not be aware of all of the Civil Code rules used primarily by the courts to construe meanings from the



## Land Development News

March 2012

descriptive parts of a conveyance of real property when it contains doubt or ambiguity and there are no other sufficient circumstances upon which to make a determination. The rules are as follows:

- 1) Where there are certain definite and ascertained particulars in the description, the addition of others which are indefinite, unknown, or false, does not frustrate the conveyance, but it is to be construed by the first mentioned particulars.
- 2) When permanent and visible or ascertained boundaries or monuments are inconsistent with the measurement, either of lines, angles, or surfaces, the boundaries or monuments are paramount.
- 3) Between different measurements which are inconsistent with each other, that of angles is paramount to that of surfaces, and that of lines paramount to both.
- 4) When a road, or stream of water not navigable, is the boundary, the rights of the grantor to the middle of the road or the thread of the stream are included in the conveyance, except where the road or thread of the stream is held under another title.
- 5) When tide water is the boundary, the rights of the grantor to ordinary high-water mark are included in the conveyance. When a navigable lake, where there is no tide, is the boundary, the rights of the grantor to low-water mark are included in the conveyance.
- 6) When the description refers to a map, and that reference is inconsistent with other particulars, it controls them if it appears that the parties acted with reference to the map; otherwise the map is subordinate to other definite and ascertained particulars.

All surveyors writing legal descriptions should keep these rules in mind because they may affect the property your client owns or grants in the future.

If you have any questions, please contact Terry Connors at (858) 694-3869, or email at [Terry.Connors@sdcounty.ca.gov](mailto:Terry.Connors@sdcounty.ca.gov).